IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 552 of 2007(N)

PETITIONER:

SREE GANESH HANDLOOM SILK (PRODUCTION-CUM -SALE) CO-OPERATIVE SOCIETY LTD.NO.SL IND (T) 547 PANAYARATHALA, BHAGAVATHY NADA, THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:

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1. REGISTRAR OF INDUSTRIAL CO-OPERATIVE SOCIETY (GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE), THIRUVANANTHAPURAM.

2. DIRECTOR OF HANDLOOMS AND TEXTILES THIRUVANANTHAPURAM.

ADDL.R3. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, INDUSTRIES (C) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

WPC. 552/07 N

(ADDL. R3 IS IMPLEADED AS PER ORDER ON IA NO.12934/07 DATED 04.10.2007).

BY GOVERNMENT PLEADER (SHRI P.K. RAVIKRISHNAN)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C). NO. 552 OF 2007 N

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REGISTRATION CERTIFICATE ISSUED UNDER SECTION 8 OF THE KERALA CO-OPERATIVE SOCIETIES ACT BY THE FIRST RESPONDENT.

EXT.P2 TRUE COPY OF THE PROFIT AND LOSS ACCOUNT OF THE YEAR 1995 - 96 FOR RS.1,51,273.05.

EXT.P3 TRUE COPY OF THE PROFIT AND LOSS ACCOUNT FOR THE YEAR 2004 - 05 FOR RS.10,53,326.15.

EXT.P4 TRUE COPY OF THE RESOLUTION PASSED BY THE SOCIETY.

EXT.P5 TRUE COPY OF THE JUDGMENT IN OP NO.23210/98 DATED 13.4.2000.

EXT.P6 TRUE COPY OF THE ORDER NO.21998/C2/96/ID DATED 20.7.1996.

RESPONDENTS' EXHIBITS: NIL.

// TRUE COPY//

PS TO JUDGE

K.M.JOSEPH, J.

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WP.(C) No.552 of 2007

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Dated this the 4th day of October, 2007

JUDGMENT

Petitioner Society has approached this court seeking to quash Ext.P6 and for a direction to grant approval to the looms installed by the members of the petitioner Society. Direction is also sought to grant all financial assistance to the Society. Declaration is also sought for.

2. Heard Government Pleader also.

3. According to the petitioner in a similar case a learned Single Judge of this court passed Ext.P5 judgment. Ext.P4 therein, which corresponds to Ext.P6 in this case was quashed. In the affidavit filed by the second respondent, it is stated that Ext.P5 judgment is not having general nature and it is not applicable to the petitioner herein. Apparently the petitioner Society was registered during the ban period, namely during 1995-96. According to the petitioner, petitioner has 57 members on its rolls. By spending huge amount, it is their case, their members have made 19 looms. In Ext.P5 judgment also I find from the judgment, that the Society was registered on 18.3.1996. In Ext.P6 what

is stated is that no financial assistance should be extended to those Handloom Weavers Co-operative Societies registered for the last two years, 1994-95 and 1995-96 in Thiruvananthapuram District until an inquiry is got completed by the Finance (Inspection Wing) Department. It is submitted by the learned Government Pleader that even though Ext.P5 judgment is carried in appeal, the appeal is dismissed.

I follow Ext.P5 judgment. The writ petition is allowed and Ext.P6 is quashed.

(K.M. JOSEPH, JUDGE)

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